

Please Oppose SB 433

I have personally worked with MCA on this bill and believe in most of what it is trying to accomplish. Starting toward the end of Section 5 and continuing through Section 6 is the part that Knife River cannot agree with and this is the part about establishing a 2 tract permit system. Here are some key points of opposition:

- We need to remember that the DEQ is asking for more time to complete permits. The only permits they are getting more time on are the commercial operations; otherwise the time limits have basically stayed the same.
- Predictability is something everyone wants: neighbors, contractors and agencies. Having 2 tracts in the system allows the DEQ to subjectively decide which application to work on. It is unfair to an operator to have the possibility to be placed on a shelf because it's determined to be controversial. This does not give predictability! Instead all environmental issues and mitigation techniques should be properly addressed in the original Plan of Operation submitted at the time of application.
- The rules need to be left to the Legislators. This bill gives the rule making authority to the DEQ and by doing this we remove the democratic process. We give ourselves no predictability.
- We support Senator Perry's bill SB 370, which is the bill that private industry agreed to have a fee placed on them of 2.5 cents/cy of material used annually based on our annual progress reports to provide the Opencut program more funding for FTE's. In return we would no longer contribute to RIGWAT. Passage is questionable. If this bill does not pass and more help is not given to the Opencut program this will give even more opportunity for the DEQ to create more subjective rules to give themselves more time on more permits.
- As a larger operator we make pits an investment. We talk to neighbors, do traffic and hydrology studies, plant trees and put in irrigation systems to keep the trees growing. We place restraints on ourselves to be courteous to the neighbors.
 - Time and money is invested in our operations and the idea that not all operators and neighbors are given the same courtesy doesn't seem quite right. We all need to be on a level playing field. **All operations have an effect on the environment** as well as the neighbors and communities around them. They all should be put on the same level in the permitting process.
- The DEQ's permitting process hasn't been working to this point, but with the audit that was performed this past year, changes are in the process of being made and questions on the process have been answered. Adding a more complicated system and more complexities to the process will only allow for more errors. The current system is a good one and we need to allow it to work. If more time is needed for permits let's discuss this, not change a process that has never had the opportunity to work correctly.